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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,525	06/28/2001	Manoel Tenorio	020431.0843	8191
53184	7590	03/28/2006	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			CHEN, TE Y	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/895,525		TENORIO, MANOEL	
	Examiner		Art Unit	
	Susan Y. Chen		2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Dec. 27, 2005 has been entered.

Claims 1-37 are pending for examination.

Applicant is reminded to update the status of claims 35 and 37 to "current amended" since these claims were amended to fix a grammatical error on 11/24/2004.

Claim Objections

Claims 34 and 35, are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims 36 and 37, are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 12 and 23 respectively. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-37 are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter.

As to claims 1-37, the set of claims merely relied on an association of target data with a product classification schema, which seems to apply certain abstract accessing, determining and associating operations as recited in the claims 1-37 to correlate target data with the product schema, however, the set of claims fail to produce any tangible result or results that will returned to the system or users of the system for any physical or practical usage, hence, it renders the set of claims as non-statutory subject matters.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in

anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-37, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1-37, the use of the phrases “may be” and “should be” renders these claims indefinite, since these phrases lead to a question of whether the claimed operations really occurred.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 12-17, 23-28 and 34-37, are rejected under 35 U.S.C. 102(b) as being anticipated by Consentino et al. (U.S. Patent No. 6,055,515).

As to claims 1, 12, 23, and 34-37, Consentino et al. (hereinafter referred as Consentino) discloses a computer-implemented system with method and executable program products for associating target data with a product classification schema [e.g., Fig(s). 1-5 and associated texts] as claimed by applicant, comprising the following functions:

a) access a first product classification schema, the first schema comprising a taxonomy that comprising a hierarchy of classes into which product may be categorized, the first schema further comprising ontology associated with one or more of the classes, each ontology comprising one or more product attributes [e.g., col. 3, lines 25-67];

b) access target data to be associated with the first schema, the target data organized according the a second product classification schema [e.g., col. 3, lines 57-62 – col. 6, line 26];

c) determine one or more classes of the first schema with which at least a portion of the target data should be associated based on an automatic comparison, without translating the target data from the second schema to the first schema [e.g., col. 6, lines 42 – lines 48; Fig. 1a-1d and associated texts; the use of a "location map" technique as shown by Fig. 4; col. 7, lines 12 - 27];

d) associate the at least a portion of the target data with one or more classes of the first schema in response to determine, based on the automatic comparison, the one or more classes of the first schema with which the at least a portion of the target data

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should be associated. [e. g., the use of floating menus technique to configure node labels to derive a linear associated catalog view as shown in Fig. 5].

As to claims 2-6, 13-17 and 24-28, except the limitations recited in claims 1, 12, and 23, Consentino further discloses that the determining one or more classes of the first schema with which the at least a portion of the target data should be associated comprises identifying a portion of the target data via matching the name, the value, a range of value, the symbol and formatting of a product attribute in the ontology of these one or more classes of the first schema [e.g., col. 7, line 59 – col. 8, line 18].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 18-22 and 29-33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Consentino et al. (U.S. Patent No. 6,055,515) in view of Gogolak (U.S. Patent No. 6,789,091).

As to claims 7-8, 18-19 and 29-30, Consentino does not specifically disclose that the systems determines the association by using vector space analysis and statistical correlation techniques [e.g., the optimization of database performance processing based on the analysis of read/write number in the information space (col. 15, lines 55-

59); and calculating weight to indexing the read/write processing (e.g., Fig. 6 and associated texts)].

However, Gogolak discloses that a system determines the association by using vector space analysis and statistical correlation techniques [e.g., col. 21, lines 1-11]; and calculating weight to indexing the read/write processing [e.g., Fig. 13 and associated texts; col. 21, lines 23-56].

Consentino and Gogolak are both in the same field of endeavor to dynamically associate target data with a product classification schema via attribute-value pair cataloging technique, hence, it would have been obvious for an ordinary skilled person in the art at the time the invention was made to apply the well-known technique into Consentino's system for determining the associations of these attribute-value pairs with the vector space analysis and statistical correlation techniques as taught by Gogolak, such that the surrounding background noise data will be filtered out based on a use desire. Furthermore, for calculating the weight to indexing the read/write processing as suggested by Gogolak, the combined system will further be upgraded to facilitate the input/output processing for additional correlation of these target and product classification as desired by a user [e.g., Gogolak: col. 21, lines 23-22].

As to claims 9-11, 20-22 and 31-33, The combined system of Consentino and Gogolak discloses using indicators to determine the association between the system classes and it's attributes [e.g., Consentino: col. 7, lines 10-23].

However, the combined system of Consentino and Gogolak does not expressly disclose that these indicators are pointers.

Official Notice is taken that the implementation of indicators in a computer system as pointers is well-known and expected in the art, therefore, it would have been obvious to one of ordinary skill person in the art at the time the invention was made to include this well-known technique to implement indicators as pointers, for the purpose of referencing the desired object or objects dynamically. *In re Ahlert*, 424, F.2d 1088, 1091, 65 USPQ 418, 420 (CCPA 1970).

Response to Arguments

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Yong et al. (U.S. Patent No. 5,701,466) which discloses a system including method and computer products to scout users searching for the desired information in network databases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2161

March 15, 2006


UYEN LE
PRIMARY EXAMINER